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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,464	04/01/2002	Zinaida Yulianovna Kozinda	P67528US0	5696
136	7590	06/30/2004	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			BERKO, RETFORD O	
			ART UNIT	PAPER NUMBER
			1615	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,464	KOZINDA ET AL.	
	Examiner	Art Unit	
	Relford Berko	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. <u>22304 3/21/02</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. under 35 U.S.C. 103(a) as being unpatentable over Sudduth et al (US 5, 770, 531) in view of the combination of Targosz et al (US 5, 346, 725), Kummel et al (US 2, 316, 258) and Schindler et al (US 4, 704, 212).

3. The claims are directed toward medical material on the base of natural fabric with antimicrobial substance (Catamin AB, a C₁₀₋₁₈ quaternary ammonium compound) and polyatomic alcohol (e.g. polyglycerol). The claims are also directed toward an article made from medical material; said medical material having the aforementioned characteristics (e.g. surgical articles, surgical sheets, surgical clothes, mask and covers). The claims are further directed toward the article being a bed-line, towel, diaper, glove or hosiery or underwear. The medical material used for making the articles have specified wt/% quantities of the Catamin AB and polyatomic alcohol.

4. Catamin AB is known in the art as alkyldimethylammonium chloride I

5. Sudduth et al (Patent '531) discloses articles that are used routinely in the medical profession, said articles known as "infection control products; e.g. surgical gowns, surgical caps, surgical caps, patient bedding etc. (col 6, lin 5-15). Patent '531 discloses the use of materials— i.e. non-woven web comprising polymers used for making the fabric in the medical articles (col 14, lin 20; lin 60-65 and col 16, lin 5-10). Patent '531 discloses that the fabric material is treated

with chemicals known in the art for softening textiles; including cationic softeners (e.g. quaternary ammonium compounds (col 9, lin 25-50). More importantly, Patent '531 discloses the fact that it is generally known in the art that the softness of the microfibrinous web in the fabric web is an important factor in its application for making personal care products such as surgical drapes, gowns and sterile wraps (col 1, lin 15-20).

6. Patent '531 does not disclose the use of polyatomic alcohol for making the softner for the fabric or web materials.

7. Kummel et al (Patent '258) discloses an invention for improving the quality of alkali glycolates and alkali lactates as softening agents for textiles; i.e. by mixing the alkali glycolates and alkali lactates with water-soluble polyglycerols (i.e. polyatomic alcohols; col 1, lin 25-55 and col3, lin 15-20).

8. Targosz et al (Patent '725) discloses an invention describing fabric softner for textiles wherein textile fibers are treated with a composition formed by mixing quaternary ammonium compound in water. Patent '725 discloses that the quaternary ammonium compound used (i.e. dimethyl ammonium chloride) is known to enhance the softness and abrasion resistance of the textile; possesses anti-fungal properties; has affinity to prevent fungus and yeast infections such as occurs in panties, hosiery and underwear as well as provides anti-static qualities to the textile fibers (col 2, lin 10-30). Equally important is the disclosure in Patent '725 that the quaternary ammonium compound provides disinfecting qualities, serves as a fungicide and sanitizes clothing or fabric thereby preventing fungus and yeast infections (col 4, lin 60-68; continuing to col 5, lin 1-5).

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9. Schhndler et al (Patent '212) discloses liquid after treatment preparation for laundry having fabric softening properties comprising quaternary ammonium compounds such as ditallow alkyldimethylammonium chloride (abstract, col 3, lin 15-25). Patent '212 discloses that the preferred fabric softener for making the composition is alkyldimethylammonium chloride and that active ingredients in the composition leave the treated textiles with significant and uniform improvement in feel and with an antistatic finish free from any patchiness (col 3, lin 50-57). Furthermore, Patent 212 discloses several examples of antimicrobial alkyldimethylammonium chloride compounds useful for making the composition (col 4, lin 35-55).

10. One of ordinary skill in the art would be motivated to make medically oriented articles or materials such as surgical gowns, bandages, surgical caps, patient bedding etc.; said articles having natural fabrics treated with suitable fabric softening compositions comprising Catamin AB (e.g. alkyldimethylammonium chloride) and polyatomic alcohol (e.g. polyglycerol)—just as was done in the prior art cited. One of ordinary skill would expect to obtain medically oriented articles for use in hospitals, nursing homes and other healthcare provider environments; said antibacterial properties of the articles making it useful for controlling bacterial infections while conferring additional benefits of the textiles used for making the articles such as antistatic and lack of pachiness. Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill at the time that it was made.


Correspondence

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Retford Berko** whose telephone number is 703-305-4442. The examiner can normally be reached on M-F from 8.00 am to 5.30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Thurman K Page**, can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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